

McGREGOR W. SCOTT
United States Attorney
JOHN F. GISLA, SB #42829
Assistant U.S. Attorney
501 I Street, Suite 10-100
Sacramento, California 95814
Telephone: (916) 554-2740

Attorneys for the United States

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

BERTRAM L. CLARKE,
Plaintiff,

v.

R. JAMES "JIM" NICHOLSON,
SECRETARY OF VETERANS AFFAIRS,
Defendant.

No. 2:05-CV-00121-GEB-KJM

STIPULATION TO CONTINUE
HEARING ON DEFENDANT'S
MOTION FOR SUMMARY
JUDGMENT; ORDER

DATE: February 13, 2006
TIME: 9:00 a.m.
COURTROOM: No. 10
(13th Floor)

Assistant U.S. Attorney Joseph Maloney, assigned Government counsel to represent Defendant, will retire from Government practice on January 31, 2006. Assistant U.S. Attorney John Gisla was recently assigned in place of Joseph Maloney to represent Defendant. AUSA Gisla has a hearing before the Honorable Robert E. Coyle in Fresno on February 13, 2006; and he in addition requests additional time to prepare the Government's REPLY to Plaintiff's OPPOSITION to Defendant's MOTION FOR SUMMARY JUDGMENT.

THEREFORE, counsel for the parties stipulate that the hearing on Defendant's MOTION FOR SUMMARY JUDGMENT be continued to 9:00 a.m.

on March 13, 2006.

IT IS FURTHER STIPULATED that, with the approval of the Court, the parties waive oral argument and submit the MOTION FOR SUMMARY JUDGMENT on the pleadings after the Government files its REPLY.

DATED: January 30, 2006 McGREGOR W. SCOTT
United States Attorney

By: /s/ John F. Gisla
JOHN F. GISLA
Assistant United States Attorney
Attorneys for the United States

DATED: January 27, 2006 /s/ George R. Kucera
GEORGE R. KUCERA
Attorney for Plaintiff

ORDER

Pursuant to the foregoing STIPULATION, and for good cause, the hearing on Defendant's MOTION FOR SUMMARY JUDGMENT is continued to 9:00 a.m. on March 13, 2006.

The request of counsel for the parties to waive oral argument and submit the Government's MOTION FOR SUMMARY JUDGMENT on the pleadings after the Government files its REPLY is not approved.

Dated: February 3, 2006

/s/ Garland E. Burrell, Jr.
GARLAND E. BURRELL, JR.
United States District Judge

CERTIFICATE OF SERVICE

The undersigned hereby certifies that she is an employee in the office of the United States Attorney for the Eastern District of California, and is of such age and discretion to be competent to serve papers.

That on January 30, 2006, she served a copy of:

STIPULATION TO CONTINUE HEARING ON DEFENDANT'S MOTION FOR SUMMARY JUDGMENT; ORDER

by placing said copy in postpaid envelopes addressed to the persons at the place and addresses shown below, which are the last known addressees, and deposited said envelopes and in the United States mail in Sacramento, California.

Addressee(s):

George R. Kucera, Esq.
7339 W. Lund
Rathdrum, ID 83858

/s/ Amber Jose
AMBER JOSE